



02-17-04

Image RCE/ 1616\$

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/928,630
Filing Date	August 13, 2001
First Named Inventor	Natsch et al.
Art Unit	1616
Examiner Name	Barbara P. Badio
Attorney Docket Number	102790-54

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1263

i. RCE fee required under 37 CFR 1.17(e) 02/19/2004 SZEWDIE1 00000149 141263 09928630
ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA
iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Howard C. Lee	Registration No. (Attorney / Agent)	48,104
Signature	<u>Howard C. Lee</u>	Date	February 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Agata Glinska
Signature	<u>Agata Glinska</u>

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$770.00

Complete if Known

Application Number	09/928,630
Filing Date	August 13, 2001
First Named Inventor	Natsch et al.
Examiner Name	Barbara P. Radio
Art Unit	1616
Attorney Docket No.	102790-54

METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)																																																																																																																																																																																																																																					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 14-1263 Deposit Account Name Norris, McLaughlin & Marcus			3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>1051</td> <td>2051</td> <td>130</td> <td>65</td> <td></td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>2052</td> <td>50</td> <td>25</td> <td></td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>1053</td> <td>130</td> <td>130</td> <td></td> <td>Non - English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>1812</td> <td>2,520</td> <td>2,520</td> <td></td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>1804</td> <td>920*</td> <td>920*</td> <td></td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1805</td> <td>1,840*</td> <td>1,840*</td> <td></td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>2251</td> <td>110</td> <td>55</td> <td></td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>2252</td> <td>420</td> <td>210</td> <td></td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>2253</td> <td>950</td> <td>475</td> <td></td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>2254</td> <td>1,480</td> <td>740</td> <td></td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2255</td> <td>2,010</td> <td>1,005</td> <td></td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>2401</td> <td>330</td> <td>165</td> <td></td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>2402</td> <td>330</td> <td>165</td> <td></td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>2403</td> <td>290</td> <td>145</td> <td></td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1451</td> <td>1,510</td> <td>1,510</td> <td></td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>2452</td> <td>110</td> <td>55</td> <td></td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>2453</td> <td>1,330</td> <td>665</td> <td></td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>2501</td> <td>1,330</td> <td>665</td> <td></td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>2502</td> <td>480</td> <td>240</td> <td></td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>2503</td> <td>640</td> <td>320</td> <td></td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>1460</td> <td>130</td> <td>130</td> <td></td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>1807</td> <td>50</td> <td>50</td> <td></td> <td>Processing fee under 37 CFR § 1.17(q)</td> <td></td> </tr> <tr> <td>1806</td> <td>1806</td> <td>180</td> <td>180</td> <td></td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>8021</td> <td>8021</td> <td>40</td> <td>40</td> <td></td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>2809</td> <td>770</td> <td>385</td> <td></td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>2810</td> <td>770</td> <td>385</td> <td></td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>2801</td> <td>770</td> <td>385</td> <td></td> <td>Request for Continued Examination (RCE)</td> <td>770.00</td> </tr> <tr> <td>1802</td> <td>1802</td> <td>900</td> <td>900</td> <td></td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="3">Other fee (specify) _____</td> <td colspan="4"></td> </tr> <tr> <td colspan="3">SUBTOTAL (2) (\$)</td> <td colspan="4">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="3">**or number previously paid, if greater; For Reissues, see above</td> <td colspan="4">\$770.00</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Code	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	2051	130	65		Surcharge - late filing fee or oath		1052	2052	50	25		Surcharge - late provisional filing fee or cover sheet		1053	1053	130	130		Non - English specification		1812	1812	2,520	2,520		For filing a request for ex parte reexamination		1804	1804	920*	920*		Requesting publication of SIR prior to Examiner action		1805	1805	1,840*	1,840*		Requesting publication of SIR after Examiner action		1251	2251	110	55		Extension for reply within first month		1252	2252	420	210		Extension for reply within second month		1253	2253	950	475		Extension for reply within third month		1254	2254	1,480	740		Extension for reply within fourth month		1255	2255	2,010	1,005		Extension for reply within fifth month		1401	2401	330	165		Notice of Appeal		1402	2402	330	165		Filing a brief in support of an appeal		1403	2403	290	145		Request for oral hearing		1451	1451	1,510	1,510		Petition to institute a public use proceeding		1452	2452	110	55		Petition to revive - unavoidable		1453	2453	1,330	665		Petition to revive - unintentional		1501	2501	1,330	665		Utility issue fee (or reissue)		1502	2502	480	240		Design issue fee		1503	2503	640	320		Plant issue fee		1460	1460	130	130		Petitions to the Commissioner		1807	1807	50	50		Processing fee under 37 CFR § 1.17(q)		1806	1806	180	180		Submission of Information Disclosure Statement		8021	8021	40	40		Recording each patent assignment per property (times number of properties)		1809	2809	770	385		Filing a submission after final rejection (37 CFR § 1.129(a))		1810	2810	770	385		For each additional invention to be examined (37 CFR § 1.129(b))		1801	2801	770	385		Request for Continued Examination (RCE)	770.00	1802	1802	900	900		Request for expedited examination of a design application		Other fee (specify) _____							SUBTOTAL (2) (\$)			SUBTOTAL (3) (\$)				**or number previously paid, if greater; For Reissues, see above			\$770.00			
Large Entity	Small Entity																																																																																																																																																																																																																																							
Fee Code	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																		
1051	2051	130	65		Surcharge - late filing fee or oath																																																																																																																																																																																																																																			
1052	2052	50	25		Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																			
1053	1053	130	130		Non - English specification																																																																																																																																																																																																																																			
1812	1812	2,520	2,520		For filing a request for ex parte reexamination																																																																																																																																																																																																																																			
1804	1804	920*	920*		Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																			
1805	1805	1,840*	1,840*		Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																			
1251	2251	110	55		Extension for reply within first month																																																																																																																																																																																																																																			
1252	2252	420	210		Extension for reply within second month																																																																																																																																																																																																																																			
1253	2253	950	475		Extension for reply within third month																																																																																																																																																																																																																																			
1254	2254	1,480	740		Extension for reply within fourth month																																																																																																																																																																																																																																			
1255	2255	2,010	1,005		Extension for reply within fifth month																																																																																																																																																																																																																																			
1401	2401	330	165		Notice of Appeal																																																																																																																																																																																																																																			
1402	2402	330	165		Filing a brief in support of an appeal																																																																																																																																																																																																																																			
1403	2403	290	145		Request for oral hearing																																																																																																																																																																																																																																			
1451	1451	1,510	1,510		Petition to institute a public use proceeding																																																																																																																																																																																																																																			
1452	2452	110	55		Petition to revive - unavoidable																																																																																																																																																																																																																																			
1453	2453	1,330	665		Petition to revive - unintentional																																																																																																																																																																																																																																			
1501	2501	1,330	665		Utility issue fee (or reissue)																																																																																																																																																																																																																																			
1502	2502	480	240		Design issue fee																																																																																																																																																																																																																																			
1503	2503	640	320		Plant issue fee																																																																																																																																																																																																																																			
1460	1460	130	130		Petitions to the Commissioner																																																																																																																																																																																																																																			
1807	1807	50	50		Processing fee under 37 CFR § 1.17(q)																																																																																																																																																																																																																																			
1806	1806	180	180		Submission of Information Disclosure Statement																																																																																																																																																																																																																																			
8021	8021	40	40		Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																			
1809	2809	770	385		Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																			
1810	2810	770	385		For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																			
1801	2801	770	385		Request for Continued Examination (RCE)	770.00																																																																																																																																																																																																																																		
1802	1802	900	900		Request for expedited examination of a design application																																																																																																																																																																																																																																			
Other fee (specify) _____																																																																																																																																																																																																																																								
SUBTOTAL (2) (\$)			SUBTOTAL (3) (\$)																																																																																																																																																																																																																																					
**or number previously paid, if greater; For Reissues, see above			\$770.00																																																																																																																																																																																																																																					

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104	Telephone	212-808-0700
Signature	<i>Howard C. Lee</i>		Date	February 13, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



102790-54
20735/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : NATSCH
SERIAL NO. : 09/928,630
FILED : 13 August 2001
FOR : ANTIBACTERIAL COMPOSITION
ART UNIT : 1616
EXAMINER : Barbara P. Badio, Ph.D.

13 February 2004

Mail Stop: RCE
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

SIR:

Prior to consideration of the application on the merits, please amend the above-identified application as indicated below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.